

LABOUR AND EMPLOYMENT DEPARTMENT

The 20th October, 1973

No. 10093-7Lab-73/36192.—The Governor of Haryana, in consultation with the Haryana Public Service Commission, is pleased to order the promotion of Shri Vasu Dev, Head Assistant, Directorate of Employment, Haryana, as Assistant Employment Officer, in the scale of Rs 250—25—450/25—550 and to post him at the Divisional Employment Exchange, Rohtak, with effect from 9th June, 1974 (forenoon).

S. N. BHANOT,
Commissioner and Secy.

LABOUR DEPARTMENT

The 13th November, 1973

No. 11041-4Lab-73/37049.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Super Seal India Private Ltd., Mathura Road, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 47 of 1972

between

SHRI DAYA CHAND AND THE MANAGEMENT OF M/S SUPER SEAL INDIA PRIVATE
LTD., MATHURA ROAD, FARIDABAD

Present—

Shri S. L. Gupta, for the management.

Nemo, for the workman.

AWARD

Shri Daya Chand was in the service of M/s Super Seal India Private Ltd., Mathura Road, Faridabad. The management allegedly terminated his services with effect from 18th March, 1970 and he gave the demand notice dated 27th April, 1970, where-upon conciliation proceedings were initiated which, however, ended in failure.

On receipt of the failure report from the Conciliation Officer the Governor of Haryana referred the above dispute for adjudication to this court,—vide order No. ID/FD/187-D-71/2813, dated 4th July, 1972, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, with the following term of reference.

Whether the termination of services of Shri Daya Chand was justified and in order ? if not, to what relief is he entitled?

The parties were called upon to put in their respective written statements and the following issues arose for determination from their pleadings :—

- (1) Whether the reference is invalid because a dispute has not been espoused in accordance with the scheme of Industrial Disputes Act ?
- (2) Whether Shri Roshan Lal Sharma is competent to represent the workman because the union of which he was officer-bearer has been deregistered ?
- (3) Whether the claimant voluntarily abandoned his services by tendering his resignation which was accepted by the management ?
- (4) If the above issues are found in favour of the workman, whether the termination of services of Shri Daya Chand was justified and in order ? If not, to what relief is he entitled ?

The workman concerned has not turned up nor his authorised representative Shri Roshan Lal Sharma. President, General Labour Union (Regd), Faridabad, who gave the demand notice leading to the present reference. Evidence of the management has been recorded.

The main plea taken on behalf of the management is that as a matter of fact, this workman had voluntarily abandoned service by tendering his resignation on 3rd June, 1970, which was duly accepted with immediate effect and after the settlement of his accounts full and final payment was made to him on the same day against his signatures in the Payment of Wages Register. This has been established from the statement of the Personnel Officer Shri S. M. Khurana M. W. 1 who has brought with him the original letter of resignation of the workman, photo state copy whereof is on record as Exhibit M. 1. There is nothing to indicate that this resignation was not submitted by the workman voluntarily and apparently there is no ground to disbelieve this plea of the management especially when the workman concerned is not coming forward to make a statement on oath to deny the same.

In view of the above, I am quite clear in my mind that the workman having himself abandoned the job by tendering his resignation which was duly accepted by the management and he having further received full and final payment of his dues, there was no dispute between the parties which could validly be referred for adjudication to this court and that being so, the workman is not entitled to any relief. In the circumstances, it is not necessary to go into the other issues. The award is accordingly made but there shall be no order as to costs.

Dated 17th October, 1973.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2528, dated the 5th November, 1973

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 11040-4Lab-73/37051.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Chanda Enterprises, 56-D, Industrial Area, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 160 of 1972

between

SHRI GANGA RAM AND THE MANAGEMENT OF M/S CHANDA ENTERPRISES, 56-D,
INDUSTRIAL AREA, FARIDABAD

Present—

Shri A. R. Handa, for the management.

Nemo, for the workman.

AWARD

Shri Ganga Ram was in the service of M/s Chanda Enterprises, 56-D, Industrial Area, Faridabad. The management terminated his services with effect from 19th January, 1972. He raised a demand for reinstatement through the General Engineering Mazdoor Union, Faridabad, but without any satisfactory response from the management. This gave rise to an industrial dispute. The matter was taken up for conciliation which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana referred the above dispute for adjudication to this Court,—vide order No. 1D/FD/72/15336—40, dated 20th April, 1972, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, with the following terms of reference.

“Whether the termination of services of Shri Ganga Ram was justified and in order ? If not, to what relief is he entitled?”

Usual notices were given to the parties. The management contested the claim of the workman on several grounds giving rise to the following five issues.

1. Whether the demand the subject-matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ? If not to what effect ?
2. Whether the General Engineering Mazdoor Union, Faridabad was not a registered Union and Shri Roshan Lal Sharma was not its Vice-President when the demand notice leading to the present reference was given by him ?
3. Whether the demand was not properly espoused and raised. If so with what effect ?
4. Whether it is a case of a abandonment of service by Shri Ganga Ram concerned workman resulting into the loss of lien on post ?
5. Whether the termination of services of Shri Ganga Ram was justified and in order ? If not, to what relief is he entitled ?

The case was fixed for evidence today. The workman has not turned up nor his authorised representative. The management has taken still another plea that after the framing of the issues on the last date, the workman had approached the management for settlement of his account and a sum of Rs. 150/- has been paid to him in full and final settlement of his entire claims against the management,—vide memorandum of settlement dated 7th October, 1973, Ex. M. 1, the right of reinstatement or re-employment having been given up by him. Statement of the learned representative of the management has been recorded.

In view of the above, no further proceedings, are called for in the case and the award is made in terms of the above settlement, holding that the workman concerned is not entitled to any other relief. In the circumstances, there shall be no order as to costs.

O. P. SHARMA,

Dated 17th October, 1973.

Presiding Officer,

Labour Court, Haryana,

Rohtak.

No. 2527, dated 5th November, 1973.

Forwarded (four copies) to the Secretary to Government, of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,

Labour Court, Haryana,

Rohtak.

No. 10671-4Lab-73/37053.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Sunder Singh and Sons, Sonapat.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK
Reference No. 221 of 1972

between

SHRI JUJHAR SINGH & TWO OTHERS AND THE MANAGEMENT OF M/S SUNDER SINGH
& SONS, SONEPAT

Present :—

Shri Ram Kishan Sehgal for the workmen.

Shri D. C. Chadha for the management.

AWARD

Sarvshri Jujhar Singh, Harbhajan Singh and Harminder Singh, were in the service of M/s Sunder Singh & Sons, Sonapat. The management terminated their services. They raised a demand for reinstatement but without success. The matter was taken up for conciliation, which also ended in failure. This gave rise to an industrial dispute.

On receipt of the failure report from the Conciliation Officer the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 referred the above dispute to this court,—vide order No. 1D/RK/36315-319, dated 3rd October, 1972, with the following reference.

“Whether the termination of services of the following workmen were justified and in order? If not, to what relief they are entitled?”

1. Shri Jujhar Singh,
2. Shri Harbhajan Singh,
3. Shri Harminder Singh.

Usual notices were given to the parties. The management contested the claim of the workmen for reinstatement as well as payment of back wages. It is, however, not necessary to go into the merits of the case as the parties have arrived at an amicable settlement. Statements have been recorded. The management has agreed to pay Rs. 775 to Shri Harbhajan Singh one of the workmen concerned by 30th October, 1973 besides earned wages, bonus and wages in lieu of earned leave, if any due, and he has given up his right for reinstatement or re-employment. The remaining two workmen Sarvshri Jujhar Singh and Harminder Singh have no dispute with the management and they have addressed separate applications to the management to this effect which have been placed on record and their authorised representative Shri Ram Kishan Sehgal, has no instructions from them to proceed with the present reference.

In view of the above, no further proceedings are called for in the case. The management shall pay Rs. 775 to Shri Harbhajan Singh one of the workmen concerned by 30th October, 1973 besides earned wages, bonus and wages in lieu of earned leave, if any due, and he would not be entitled to any other relief by way of reinstatement or re-employment. The remaining two workmen Sarvshri Jujhar Singh and Harminder Singh would not be entitled to any relief by way of reinstatement payment of back wages etc., as according to their own showing they have no dispute with the management. The award is made accordingly. In the circumstances, there shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated 8th October, 1973.

No. 2440, dated 22nd October, 1973

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.